

Senate File 2366

S-5136

1 Amend Senate File 2366 as follows:

2 1. Page 2, line 12, by striking <864,048> and
3 inserting <764,048>

4 2. Page 2, line 16, by striking <343,179> and
5 inserting <543,179>

6 3. Page 2, line 20, by striking <2,750,762> and
7 inserting <2,650,762>

8 4. Page 6, line 7, after <corrections> by inserting
9 <and to the department of inspections and appeals for
10 the office of the state public defender>

11 5. Page 10, after line 2 by inserting:

12 <TRANSFERS

13 Sec. ____ . COLLEGE STUDENT AID COMMISSION.

14 1. Notwithstanding section 261.20, for the fiscal
15 year beginning July 1, 2009, and ending June 30, 2010,
16 the following amounts are transferred for distribution
17 to appropriations as provided in subsection 2:

18 a. From the scholarship and tuition grant reserve
19 fund created in section 261.20:

20 \$ 514,180

21 b. From moneys from the tuition grant program,
22 not-for-profit, that would otherwise be deposited in
23 the scholarship and tuition grant reserve fund:

24 \$ 228,490

25 2. The moneys transferred pursuant to subsection
26 1 are distributed after applying the reductions made
27 pursuant to executive order number 19 issued October
28 8, 2009, as follows:

29 a. For the Iowa national guard educational
30 assistance program appropriation made in 2009 Iowa
31 Acts, chapter 177, section 2, subsection 4:

32 \$ 241,120

33 b. For the all Iowa opportunity scholarship program
34 appropriation made in 2009 Iowa Acts, chapter 177,
35 section 2, subsection 6:

36 \$ 250,254

37 c. For the vocational-technical tuition grants
38 appropriation made in section 261.25, subsection 3:

39 \$ 251,296

40 Sec. ____ . DEPARTMENT OF INSPECTIONS AND

41 APPEALS. There is transferred from the Medicaid fraud
42 account created in section 249A.7 under the department
43 of inspections and appeals for the fiscal year
44 beginning July 1, 2009, and ending June 30, 2010, after
45 applying the reduction made pursuant to executive order
46 number 19 issued October 8, 2009, to the following
47 appropriation:

48 For the investigations division of the department of
49 inspections and appeals in 2009 Iowa Acts, chapter 181,
50 section 13, subsection 3:

1 \$ 747,037

2 Sec. ____ . EFFECTIVE DATE — APPLICABILITY. This
3 section of this division of this Act providing for
4 transfers involving the college student aid commission
5 and the department of inspections and appeals are
6 retroactively applicable to December 14, 2009, and
7 apply in lieu of the transfers made for the same
8 purposes by the executive branch, as reported by the
9 department of management in the transfer notices dated
10 December 14, 2009.>

11 6. Page 13, line 7, by striking <2009> and
12 inserting <2008>

13 7. Page 13, after line 12 by inserting:

14 <DIVISION ____
15 HUMAN SERVICES NURSING
16 FACILITY REIMBURSEMENT

17 Sec. ____ . 2001 Iowa Acts, chapter 192, section 4,
18 subsection 4, as amended by 2008 Iowa Acts chapter
19 1187, section 33, as amended by 2009 Iowa Acts, chapter
20 182, section 33, is amended by adding the following new
21 paragraph:

22 NEW PARAGRAPH. *i.* Pay-for-performance payments
23 shall not be made under this subsection until such
24 time as sufficient funding is available to implement
25 the subsection, as determined by the director of the
26 department of human services.

27 Sec. ____ . NURSING FACILITY REIMBURSEMENT AND
28 PAYMENT PROCEDURES. Notwithstanding the administrative
29 rule changes made by the department of human services
30 pursuant to executive order number 19 issued October
31 8, 2009, relating to nursing facility payment
32 procedures, the department shall reinstitute or
33 adopt administrative rules to provide for all of the
34 following:

35 1. For purposes of computation of administrative,
36 environmental, and property expenses, for nonstate
37 owned nursing facilities, patient days shall be
38 inpatient days as determined by 441 IAC 81.6(7), or
39 85 percent of the licensed capacity of the facility,
40 whichever is greater.

41 2. For purposes of calculation of the capital
42 cost per diem instant relief add-on pursuant to 441
43 IAC 81.6(16)(h)(9) the total patient days shall be
44 determined using the most current submitted financial
45 and statistical report or using the estimated total
46 patient days as reported in the request for the add-on.
47 For purposes of calculating the add-on, total patient
48 days shall be the greater of the estimated annual total
49 patient days or 85 percent of the facility's estimated
50 licensed capacity.

1 3. For purposes of reconciliation of the capital
2 cost per diem instant relief add-on pursuant to 441
3 IAC 81.6(16)(h)(12), for purposes of recalculating
4 the capital cost per diem instant relief add-on,
5 total patient days shall be based on the greater of
6 the number of actual patient days during the period
7 in which the add-on was paid or 85 percent of the
8 facility's actual licensed bed capacity during the
9 period in which the add-on was paid.

10 4. For purposes of periods authorized for payment
11 pursuant to 441 IAC 81.10(4), a facility shall hold
12 or reserve a bed for periods the resident is absent
13 overnight for purposes of hospitalization or prescribed
14 therapeutic leave, not to exceed 18 calendar days in
15 any calendar year for prescribed therapeutic leave and
16 not to exceed 10 days in any calendar month due to
17 hospitalization. Beginning December 1, 2009, payment
18 shall not be authorized for reserve or bed hold days
19 and the facility shall no longer count nonpaid reserve
20 or bed hold days in calculating inpatient days for
21 payment at new rates. A medical assistance program
22 payment to the facility shall not be initiated while a
23 resident is on reserve bed days due to hospitalization
24 unless the person was residing in the facility as a
25 private pay resident prior to the hospitalization and
26 returns to the facility as a medical assistance program
27 recipient resident.

28 Sec. ____ . DEPARTMENT OF HUMAN
29 SERVICES. Notwithstanding any provision to the
30 contrary and subject to the availability of funds,
31 there is appropriated from the quality assurance
32 trust fund created pursuant to section 249L.4, to
33 the department of human services for the fiscal year
34 beginning July 1, 2009, and ending June 30, 2010, no
35 more than the following amount or so much thereof as is
36 necessary to supplement the appropriations made for the
37 following designated purposes:

38 To supplement the appropriation made for medical
39 assistance in 2009 Iowa Acts, chapter 182, section 9,
40 to be used for nursing facility reimbursement under
41 the medical assistance program, in accordance with
42 2009 Iowa Acts, chapter 182, section 32, subsection 1,
43 paragraph "a", and this division of this Act, and to
44 institute the administrative rules changes as directed
45 in this division of this Act:

46 \$ 2,300,000

47 The department shall determine the amount of the
48 5 percent reduction that can be restored, up to 2
49 percent, within the amount of funds available in the
50 trust fund during the fiscal period specified, and

1 shall adjust rates accordingly.

2 Sec. ____ . CONTINGENT IMPLEMENTATION —
3 NOTIFICATION.

4 1. Implementation of this division of this Act
5 is contingent upon the department of human services
6 receiving approval of the waivers and the medical
7 assistance state plan amendment by the centers for
8 Medicare and Medicaid services of the United States
9 department of health and human services relating to
10 the quality assurance assessment created in chapter
11 249L. The department of human services shall notify
12 the chairpersons and ranking members of the joint
13 appropriations subcommittee on health and human
14 services, the legislative services agency, and
15 the legislative caucus staffs upon receipt of such
16 approval.

17 2. The costs associated with implementation of
18 this Act shall be funded exclusively through moneys
19 appropriated from the quality assurance trust fund,
20 and shall result in budget neutrality to the general
21 fund of the state for the fiscal year beginning July 1,
22 2009, and ending June 30, 2010.>

23 8. Title page, line 1, after <Act> by inserting
24 <relating to public funding and regulatory matters and>

25 9. Title page, line 3, after <date> by inserting
26 <and retroactive applicability>

27 10. By renumbering as necessary.

ROBERT E. DVORSKY